

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHEVYN EUGENE MARSHALL,

Defendant.

CR-18-90-GF-BMM-3

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on March 17, 2021. (Doc. 214.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on March 16, 2021. (Doc. 212.) The United States accused Marshall of violating his conditions of supervised release 1) by failing to report for substance abuse testing; 2) by failing to complete his substance abuse treatment program; and 3) by failing to complete his community service at the rate directed by his probation officer. (Doc. 177.)

At the revocation hearing, Marshall admitted to violation the conditions of his supervised release 1) by failing to report for substance abuse testing; 2) by failing to complete his substance abuse treatment program; and 3) by failing to complete his community service at the rate directed by his probation officer (Doc. 212.) Judge Johnston found that the violations Marshall admitted proved to be serious and warranted revocation, and recommended that Marshall receive a custodial sentence of 1 month, with 21 months supervised release. Marshall should receive credit for time served. (Doc 214.) Marshall was advised of his right to appeal and his right to allocute before the undersigned and waived those rights. (Doc. 212.) The violations prove serious and warrant revocation of Marshall's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 214) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Shevyn Eugene Marshall be sentenced to the custody

of the United States Bureau of Prisons for 1 months, with credit for time served,
with 21 months supervised release to follow.

DATED this 17th day of March, 2021.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris, Chief District Judge
United States District Court